



CANNON BUILDING  
861 SILVER LAKE BLVD., SUITE 203  
DOVER, DELAWARE 19904-2467

STATE OF DELAWARE  
**DEPARTMENT OF STATE**

DIVISION OF PROFESSIONAL REGULATION

TELEPHONE: (302) 744-4500  
FAX: (302) 739-2711  
WEBSITE: WWW.DPR.DELAWARE.GOV

<b>PUBLIC MEETING MINUTES:</b>	<b>BOARD OF PLUMBING &amp; HVACR EXAMINERS</b>
<b>MEETING DATE AND TIME:</b>	<b>Tuesday, March 9, 2010 8:30 a.m.</b>
<b>PLACE:</b>	861 Silver Lake Boulevard, Dover, Delaware <b>Conference Room A</b> , second floor of the Cannon
<b>MINUTES APPROVED:</b>	April 13, 2010

**MEMBERS PRESENT**

Robert Briccotto, Jr., Professional Member, President  
Dean Sherman, Professional Member, Vice President  
Carol Guilbert, Public Member, Secretary  
Frank Beebe, Professional Member  
Shirley Good, Public Member  
James Anderson, Public Member  
Gerard Pepeta, Professional Member  
Jerome Todd, Professional Member

**MEMBERS ABSENT**

Christopher Preston, Professional Member

**DIVISION STAFF/DEPUTY ATTORNEY GENERAL**

Patricia Murphy, Deputy Attorney General  
Judy Letterman, Administrative Specialist III

**OTHERS PRESENT**

Charles Robinson  
Chuck Davidson

## **CALL TO ORDER**

Mr. Briccotto meeting to order at 8:47 a.m.

## **REVIEW OF MINUTES**

A motion was made by Mr. Anderson seconded by Mr. Briccotto to approve the February 9, 2010 meeting minutes. Mr. Briccotto, Mr. Beebe, Mr. Paretta, Mr. Todd, Ms. Guilbert and Mr. Anderson carried the motion. Mr. Sherman abstained.

## **UNFINISHED BUSINESS**

### **Propose to deny Hearing**

Brett Elkington has requested that his hearing be rescheduled in order to obtain an attorney. The Board will re-schedule the hearing for the April 13, 2010.

### **Re-Review of Applications**

A motion was made by Mr. Beebe, seconded by Mr. Anderson to propose to deny the application of Steven Owens due to lack of seven years of experience and to table the application of James LeFevre pending receipt of the law and rules and regulations of the State of Oklahoma. The motion was unanimously carried.

### **Strategic Plan**

### **Discussion of Non-Substantially Similar Reciprocity Requirements**

Mr. Briccotto informed the Board that section 1810 (b) of the law requires an applicant from a State that is not equal or substantially similar to Delaware to include with their application, proof of 7 years of experience after the license was issued in that State and once this information has been received and approved by the Board, they qualify for a license. He feels that if the State is not substantially similar, they do not qualify for licensure by reciprocity and this section should be deleted from the statute. This would require an applicant to take the examination for licensure. The Board was made aware that it has the most stringent reciprocity guideline for non-substantially similar states requiring proof of 7 years of experience after licensure when most board only require verification of 5 years of experience.

The Board is concerned that most of the applicants are not sending in the employer affidavit which verifies 7 years of providing service but sending in the alternative, tax form W-2's, which does not verify providing services only that they worked for the company.

A motion was made by Mr. Anderson, seconded by Ms. Good to strike section 1810 (b) of the statute. The motion was unanimously carried.

James Collins, Division Director, informed the Board that this change would not set well with the Sunset Committee since another professional board's licensing process are being questioned as to why they do not have reciprocity with any other State and

asked how many years an applicant has to work as a licensed professional in their field in order to qualify for licensure in Delaware.

Ms. Murphy stated that in view of the Sunset Committee, the Board might want to consider keeping the statute as written and strengthen the rules. To insure qualified applicants, the board could require the employer affidavit form and if they submit the alternative, tax form W-2, the Board could require additional information to verify the services provided for the company. If they do not submit the requested additional documentation, the Board can propose to deny their application

A motion was made by Ms. Guilbert, seconded by Mr. Beebe to keep 1810 (b) in the statute. The motion was unanimously carried.

The Board is considering revising the application by adding a work history sheet, which they will discuss at the April workshop.

#### Denial of Applications

John Joachimowski, Geovanni Privado and Matthew Engle were notified that the Board proposed to deny their applications since they did not submit the required documentation as requested. The applicants did not request a hearing or provide the additional information.

A motion was made by Ms. Guilbert, seconded by Mr. Beebe to deny their applications. The motion was unanimously carried

Ms. Murphy presented to the Board for signature, the order from the Timothy Hibbets hearing and the rules and regulations hearing

### **NEW BUSINESS**

#### Ratification of Applications

A motion was made by Mr. Sherman, seconded by Ms. Guilbert to ratify the applications of Jeffrey Donahue, Randall Carrion, Frank Gibbons, John Tierney, and Dominic Poligardo. The motion was unanimously carried.

#### Review of Grandfathered Applications

There were no applications for review.

#### Review of Reciprocity Applications

There were no applications for review.

#### Review of Examinations

A motion was made by Ms. Guilbert, seconded by Ms. Good to approve the examination applications of William Neylon, Janusz Stachon and Julian Massetti for the By-pass examination. The motion was unanimously carried.

### Complaint Status

34-01-09-Forwarded to Office of Attorney General  
34-02-09-Forwarded to Office of Attorney General  
34-03-09-Forwarded to Office of Attorney General  
34-09-09-Assigned  
34-10-09-Assigned  
34-11-09-Assigned  
34-13-09-Assigned  
34-14-09-Assigned  
34-15-09-Assigned

### Discussion of Proposed Legislative Changes

Mr. Briccotto informed the Board that the Association of Building Contractors is proposing legislative changes to section 1810 and 1823 of the law. These changes consist of requiring anyone applying for licensure by reciprocity from a State that is not substantially similar to take the examination, have home office or regular place of business in that state and require that State's reciprocity standards be similar to this State. He added that Delaware does not have true reciprocity; we accept or endorse the license.

He asked the members to review the proposal for discussion at the next meeting.

### **OTHER BUSINESS BEFORE THE BOARD** (for discussion only)

The Board will hold a workshop after the April meeting to explain to the new members the application review process.

### **PUBLIC COMMENT**

No public comment.

### **NEXT SCHEDULED MEETING**

The next meeting will be held on **Tuesday, April 13, 2010** at 8:30 a.m. in Conference Room A, second floor of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware.

### **ADJOURNMENT**

A motion was made by Mr. Beebe seconded by Ms. Good to adjourn the meeting. The motion was unanimously carried. The meeting adjourned at 10:20 a.m.

Respectfully submitted,

Judy Letterman  
Administrative Specialist III